

1 BILL NO. R- 81-10-47

2 RESOLUTION NO. R- Last.

3 A Resolution against payment by appropriation
4 of any funds for further legal action pertaining
5 to Bill No. Z-81-01-12 (as amended) of the
6 Common Council of the City of Fort Wayne, Indiana.

7 WHEREAS, pursuant to IC 18-7-4-510 the Plan Commission
8 of the City of Fort Wayne, Indiana, on receipt of a
9 letter signed by the President of the Common Council,
10 being a summation of reasons given by those voting for
11 rejection of said proposed Bill No. Z-81-01-12 (as amended),
12 did vote on February 23, 1981, to reject the Common Council's
13 recommendation and voted again in favor of rezoning of
14 106.6 acres of land therein described into a shopping
15 center classification; and,

16 WHEREAS, the Common Council of the City of Fort Wayne,
17 Indiana thereupon did file its action in Cause No. CC-81-372
18 seeking to set aside the ruling of the Plan Commission of
19 the City of Fort Wayne, Indiana; and,

20 WHEREAS, after a hearing in Court on said matter the
21 Court did determine, adjudge and decree that the real
22 estate which was the subject matter of said rezoning was
23 rezoned to a B-2D District on June 13, 1981, and that the
24 Plan Commission was entitled to take whatever action was
25 proper in regard to a B-2D District under the ordinance of
26 the City of Fort Wayne, Indiana; and,

27 WHEREAS, in order to finance said above Court action
28 the Common Council did expend substantially all of the
29 travel funds of the Common Council of the City of Fort Wayne;
30 and,

31 WHEREAS, if further legal action in the Courts by way
32 of appeal is taken, same will entail expenditure of funds,
33 but the proponents of said appeal have stated that they
34 will not ask the Common Council of the City of Fort Wayne

1 to appropriate any money for said legal fees and expenses,
2 including Court costs, in said appeal, but will raise the
3 funds from other sources.

4 NOW THEREFORE BE IT RESOLVED, that the Common Council
5 of the City of Fort Wayne, does hereby go on record as
6 refusing to appropriate any money whatsoever for the
7 prosecution of any further legal action in regard to said
8 Bill No. Z-81-01-12 (as amended).

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COUNCILMAN

Approved as to form and legality:

John H. Logan
Attorney for the Common Council
of the City of Fort Wayne, Indiana

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee City Planning (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 12-27-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Schmidt, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>4</u>	<u>5</u>	_____	_____	_____
BURNS	<u>X</u>	_____	_____	_____	_____
EISBART	_____	<u>X</u>	_____	_____	_____
GIAQUINTA	_____	<u>X</u>	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____	_____
SCHMIDT, V.	_____	<u>X</u>	_____	_____	_____
SCHOMBURG	<u>X</u>	_____	_____	_____	_____
STIER	_____	<u>X</u>	_____	_____	_____
TALARICO	_____	<u>X</u>	_____	_____	_____

DATE: 11-10-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19____, at the hour of _____ o'clock _____ M., E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

BILL NO. R-81-10-47

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN
ORDINANCE A Resolution against payment by appropriation of any funds
for further legal action pertaining to Bill No. Z-81-01-12 (as amended)
of the Common Council of the City of Fort Wayne, Indiana

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE as amended PASS.

PAUL M. BURNS, CHAIRMAN

Paul M. Burns

VIVIAN G. SCHMIDT, VICE CHAIRMAN

Vivian G. Schmidt

BEN A. EISBART

Ben A. Eisbart

SAMUEL J. TALARICO

Samuel J. Talarico

ROY J. SCHOMBURG

Roy J. Schomburg

CONCURRED IN

DATE 11-10-81 CHARLES W. WESTERMAN, CITY CLERK